

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEPHEN R. KOZICK,

Plaintiff,

v.

KILOLO KIJAKAZI,
*Acting Commissioner of Social
Security,*

Defendant.

No. 3:22-CV-01029

(Chief Judge Brann)

(Magistrate Judge Saporito)

ORDER

SEPTEMBER 20, 2023

Stephen R. Kozick filed this action seeking review of a decision of the Acting Commissioner of Social Security (“Commissioner”) denying Kozick’s claim for supplemental security income.¹ In August 2023, Magistrate Judge Joseph F. Saporito, Jr., issued a Report and Recommendation recommending that this Court affirm the Commissioner’s decision and close this case.²

Kozick filed timely objections to the Report and Recommendation.³ In his objections, Kozick contends that Magistrate Judge Saporito erred in concluding that the administrative law judge (“ALJ”) was not required to order a psychological consulting examination to resolve disparities between the evaluations of record, and

¹ Docs. 1, 16.

² Doc. 19.

³ Doc. 20.

in finding that Kozick’s activities of daily living supported the ALJ’s assessment of Kozick’s functional limitations.⁴

“If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”⁵ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.⁶ Upon *de novo* review of the record, the Court finds no error in Magistrate Judge Saporito’s conclusion that the Commissioner’s decision is supported by substantial evidence. Although Kozick disputes some of Magistrate Judge Saporito’s conclusions, Magistrate Judge Saporito correctly determined that, as a whole, substantial evidence supports the Commissioner’s decision. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Joseph F. Saporito, Jr.’s Report and Recommendation (Doc. 19) is **ADOPTED**;
2. The Commissioner’s decision is **AFFIRMED**;

⁴ *Id.*

⁵ *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

⁶ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

3. Final Judgment is entered in favor of Defendant and against Kozick pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);
and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge